

Upper Clark Fork Steering Committee
May 2, 2001

Members Present:

Gerald Mueller	Facilitator
Ole Ueland	Mile High C.D.
Jon Sesso	Butte/Silverbow
Jim Dinsmore	Granite C.D.
Bob Benson	C.F. Pend Oreille Coalition
Jules Waber	Powell County
Holly Franz	PP&L Montana LLC
Jim Quigley	Little Blackfoot
Eugene Manley	F.C. & MWRA

Members Absent:

Brent Mannix	N. Powell C.D.
Gary Ingman	MT DEQ
Bob Bushnell	Lewis & Clark C.D.
Kathleen Williams	FWP
Robin Bullock	ARCO
John Vanisko	Deer Lodge Valley C.D.

Visitors:

Steve Fry	Avista
Mike McLane	DNRC
Devri Roubidoux	DNRC
Eric Reiland	FWP
Bill Schultz	DNRC

Welcome

Gerald Mueller welcomed everyone and called the meeting to order.

Gerald reviewed the minutes from the last three meetings; no changes were made to any of the minutes.

Agenda was set as follows:

1. Snow Pack and Water Supply Forecast
2. Status of Drought Planning Activities in Upper Clark Fork
3. Review of Water Legislation
4. Georgetown Lake Update
5. Workman Project Update
6. Continued discussion of Possible Upper Basin Agreement with Avista Corporation
7. Steering Committee Funding Options
8. Public Comment

Snow Pack and Water Supply Forecast

DNRC's Bill Schultz gave a brief presentation on Upper Clark Fork River Basin the snowpack and water supply forecast. Average water levels are much below average. Spring precipitation to help us. Lower Clark Fork conditions are similar to the upper Clark Fork. As of April 30th, the Clark Fork (what snowpack, stream flow ????) is about 69% of average for April, and about 76% for the year.

Streamflow conditions as of May 1, Clark Fork are about average. Streamflow prospects, are below average to much below average through the summer. Based on snowpack and precipitation predicted trends things are not looking so great for summer stream flow. Look for anything from 50-70% of normal stream flow.

Surface Water Supply Index estimates the summer to be dry to extremely dry. Forecast is pretty dim for the Clark Fork Basin Area.

All of this drought information is publicly available on the State droughts website at <http://nris.state.mt.us/Drought/>.

Status of Drought Planning Activities in Upper Clark Fork

Mike McLane talked about drought planning activities in the basin. As Kathleen reported, the Governors Drought Task Force sent out letters warning of a drought. People who have been responding wonder what can they do?

The Georgetown Lake Flint Creek watershed discussion are beginning to talking about drought planning. In that process the limited water supply is forcing residents to ask, how do we meet multiple demands?

The Blackfoot Challenge held a public drought meeting on April 18. This is their start on a second drought season. The Blackfoot Emergency Drought Response Committee focuses on drought planning in response to stream flow. – (What are we going to do when the Blackfoot River stream flow of 700cfs is reached, which water rights will be affected The Challenge sponsored drought plan places its first focus on contacting people that are junior to the Murphy right (MT Fish, Wildlife & Parks instream flow water right.) A junior water users participation in the voluntary drought plan will be considered, in most cases, as a positive response in-lieu of a call.... Senior water users are also asked to participate and the concept of “banking” senior water rights to share shortages with junior water users in part of the “Blackfoot Emergency Drought Response Plan”.

If someone with a junior water right holder doesn't participate in the volunteer plan they are subject to a FWP call for water

This year the Drought Committee is considering a pilot program to introduce “soil moisture monitors” in the basin. These probes were introduced to the Jefferson River last year via the “NCAT” National Center for Appropriate Technology organization in Butte. It appears that several major irrigators are considering their use in the Blackfoot this summer.

UPDATE

Powell county (March 28th) adopted a (Dave Streufert) plan to make a drought-planning group... (Ask Mike Ask me what?????)

Lewis and Clark County, through their Emergency Service Office has created a drought response committee. The Lewis & Clark Co. committee that has meet twice. ...They are still in formative stages and haven't made to much headway yet.

Mike reported that the Blackfoot spent about \$7,000, to get their drought stuff going. To get started the Blackfoot Challenge sent out a letter asking people to conserve water and prepare for fire and made up posters and flyers. They also had a targeted group of water users and fishing guides to make initial contact with. Gerald asked if the DNRC has a pot of money for Drought planning, Mike reported responded the Watershed Assistance monies could be used for drought planning and perhaps 223 Grant monies but at this time the agency does have a specific drought fund.

Ole wondered whether if there is any technical assistance for irrigators, Mike said in the Blackfoot they contacted the irrigators and let them know what the current conditions were and asked people to start planning if flows meet a certain point.

Ole wondered if most of us don't have a commissioner, who can advise us?

Each area of the basin has different needs and people will have different objectives, different histories and be willing to work together in different ways.

Jules Waber suggested going to the legislature and asking for a pool of money to be set aside as a trust fund growing for when a drought is in effect. Can we pay people money, not to irrigate, for power purposes? Jules felt there is no attempt to build strategies for drought until the emergency is over with...build the strategy before! We need to be planning yesterday not tomorrow.

Jim talked about how some people have been drought planning for a long time. Ranchers are planning for drought when ever they improve or repair their irrigation works or stock watering facilities. He asked, how much more do we need to do? The key question is how can we protect the instream flows? People live with drought planning everyday- it is what they do. What are people trying to gain and accomplish in the long run?

Jon Sesso felt that drought planning needs to be done while there is high water and ahead of time, not while there is a drought. Is anything really going to change or are people just going to learn to live with less water vs. planning on saving water? Is building more dams a reasonable idea? There needs to be more communication and more of an understanding for the public, this is a big idea that needs to be talked about by a lot of people.

Gerald asked the group to continue to think about what can be done. What can we do? Is there really any solution to this problem?

Review of Water Legislation

Holly talked about the session, which was pretty slow for water bills. HB397, which sets up a group from the entire Clark Fork basin to work on water management issues, passed. A committee (Task Force) will be set up but there was controversy over the Flathead representation. (Creation of the Task Force must include an invitation to the Indian Reservation – Confederated Salish and Kootenai Tribes.) . The legislative committee got a little bit of money for the task force. The funding comes out of the surplus revenue from the RIT trust fund in the second year of the biennium. Mike noted that other funding is needed especially for the first year. We are hoping to get some financial support from other basin stakeholders such as the Bureau of Reclamation, owner operator of Hungry Horse Reservoir. . The new committee, appear that it may have a similar setup as the Upper Clark Fork Steering Committee. This bill requires the Task Force four years to come up with a water management plan. The first meeting will be held May 16; hopefully someone from the upper Clark Fork committee will be on the committee.

HB626 Passed: DEVERI – THESE ARE 3 DIFFERENT PIECE OF LEGISLATION.

Why are they all listed under 626?

Fort Belknap water compact

1. Any new subdivision had to provide easements
2. Provided that if the lots were less a certain size, a home owner association must be worked on

Georgetown Lake

Deveri check your notes on this – this isn't what I remember.

Gerald - There are water withdrawals from the dam that aren't right?????. Water levels are low, the concern of a fish kill remains. DEQ has written a letter to county commissioners stating that they have violated water quality standards. A lot of meetings have been going on over the issue at Georgetown?????. No agreements have been made. No less than 30 cfs is to be released from the dam during the irrigation season?????. The irrigators want the water because the creek has been so low, that it is taking groundwater. The homeowners are willing to work with everyone, but they want to make sure the water levels meet a certain point.

It looks like there is going to be some litigation because no one can come to an agreement.

Gerald feels that this issue has brought up some interesting questions between Water rights vs. water quality – FERC's authority vs. State.

Long way from getting this issue resolved. Gerald suspects if people can't get together, it will just follow the settlement.

Eugene – people need to understand that the water rights under that decree could call for water, trying to stress this to everyone. They aren't going to be able to restore the power generating plant, because the water levels wouldn't be high enough. However, people should try to stay out of court. Currently the fight is over the date of release of the water and the pool level.

More meetings are planned.

Ask Mike about the keys dates and releases.???? What are you asking me???

May 3rd

May 7th - 15

Workman Project Update

Gerald passed out and briefly discussed a final report from Dennis Workman. Overall, the study reports that something can be done to stop the dewatering of the river. The measurements in Clark Fork River irrigation ditches will be made this summer by the DNRC to determine what the conveyance losses are and where that seepage water may be going. To fix this problem it could take a lot of money, so it needs to be decided whether or the water savings are cost effective. It seems like a lot of parties may be interested in helping with the funding.

It was asked who gets the water if it is put back into the creek? Gerald respond that at this time the interest is in defining projects where both the irrigators and the stream see benfitis. Users on the Clark Fork ditches have indicated an interest in leaseing salvaged water for instream flow. Dennis looked at Racetrack too. This stream was examinend to see if water conservation efforts would be beneficial to the fish as well as irrigation delivery.

Continued discussion of Possible Upper Basin Agreement with Avista Corporation

The Upper Clark Fork Steering Committee, more than any other basin, has discussed the potential conflict between upstream in basin and down stream "out of basin" water users. The potential conflict with significant downstream hydropower developments being the most significant. Gerald noted that our last meeting the Committee deicided to investigate options for management. The committee agenda proposed the discsucion of a process under which the Upper Clark Fork Basin would negotiate a separate agreement with and AvistaWhat kind of an agreement might there be to make and who would the agreement be between.

Steve passed out a graph that reflected that the lower Clark Fork is looking pretty grim as far as kilowatt-hours go. 49% of average based on the last ten years. Typically Avista plant produces 303 kilowhats average....Right now it is producing 150. Avista will be about 30% below average as far as the power produced from these hydroplants. Losses are about \$63 million as of right now for Avista. However, they don't want to raise their rates for their customers. Avista is setting up conservation plans in Idaho and Washington.

The Clark Fork isn't looking good for Avista. The Noxon Rapids plant is designed to take advantage of high stream flows. Steve noted that very rarely does Avista get it's water right filled.

Avista is always looking for ways to improve conditions and produce more power. Avista is not looking to make a call on water in this basin.

Jim Dinsmore wanted to know, what is our water worth for hydropower generation? Jim made an back of the napkin estimate of \$100 per acre-foot using Steve's report. Jim noted if water is worth more going through a generator, then it is on the fields, when are people going to want to sell their water for power? The prices for power right now are outrageous. Jim brought up the point that if comes to dollars and cents...why wouldn't Avista make the call?

The committee had a discussion about the various groups that would be interested in an agreement between Avista and the Clark Fork basin. It is also important to assess what the

various parties to an agreement might seek from a basin specific agreement. Interests of various groups were suspected to be as follow:

1. Avista
 - ◆ No new withdrawals
 - ◆ Enforcing rights in water short years
 - ◆ Minimizing political damage
2. Water Users – Existing Irrigators
 - ◆ Want things left how they are now – status quo
 - ◆ Don't want a call to be made on the water
3. Future needs
 - ◆ What are we going to need tomorrow?
 - ◆ More water
 - ◆ Status quo
4. Instream Interests
 - ◆ They want the water in the stream
 - ◆ Similar interests as Avista
5. Clark Fork Steering Committee
 - ◆ Funding
6. PPL
 - ◆ Thompson Falls
 - ◆ The same as Avista?

Further discussion was made citing examples of what would happen if Avista would make a call and what it would be worth to everyone. Jim D. thought people would be more interested in making a deal with Avista if they knew what the worth of the water they are storing was.

Is it possible to satisfy all of these people with an agreement between Avista and the Upper Clark Fork?

Possible Solutions

1. Basin Closure
2. Awareness & Management
 - ◆ Have each area develop a drought plan
 - ◆ Net gain on the hydrograph

The committee discussed a number of aspects of this, came to the conclusion that further discussion needs to be made. A decision also needs to be made about who is going to be making these negotiations for the basin...is it the Upper Clark Fork Steering Committee.

What can we do?

Talk to people
Schedule Public Meetings

FUNDIING:

Gerald talked about how this group is running out of money, the \$10,000 that was set up for this group, half went to Dennis, and the other half is almost gone. Gerald hopes we will be able to get another watershed assistance grant. There is no long-term funding for this group. How are we going to pay for the process of negotiating with Avista? Gerald @\$2000 is what it would cost to do three public meetings and mailings. Where would these meetings be held? One in Deerlodge, one in Ovando or Lubreck, and one in Hall. When would these meetings be held? Spring, aiming for the week of June 11th.

Jim offered some money to waive an administrative fee.

Gerald asked Steve if Avista would consider matching (\$1000) some funds to help get this project going. Steve said he would try, but it didn't look optimistic.

Steering Committee Funding Options
Apply for a Watershed Assistance Grant

Adjourn

Next meeting tentatively set for June 21st, 9:00 AM – 2:15 PM
St. Mary's Center, Deerlodge Montana